

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/811,161
Filing Date: March 26, 2004
Applicant: Manish Sinha
Group Art Unit: 1795
Examiner: Keith D. Walker
Title: LOAD FOLLOWING ALGORITHM FOR A FUEL
CELL BASED DISTRIBUTED GENERATION
SYSTEM
Attorney Docket: GP-303576

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**PETITION UNDER 37 CFR 1.181 FOR REVIEW OF REOPENING OF
PROSECUTION AFTER APPEAL**

Pursuant to 37 CFR 1.181, Applicant hereby petitions for reinstatement of the appeal because reopening of prosecution after appeal was improper under 37 CFR 1.198.

On May 04, 2009, Applicant filed an Appeal Brief Appealing the Examiner's final Office Action dated December 05, 2008. After filing the Appeal Brief, Applicant received an Office Action with a mail date of September 08, 2009 stating that the arguments presented for claims 6-9 & 14-15 are persuasive and therefore the final rejection of December 05, 2008 is withdrawn. The Office

Action dated September 08, 2009 does not include a signature from a Supervisory Patent Examiner, as required by 37 CFR 1.198, authorizing reopening of prosecution.

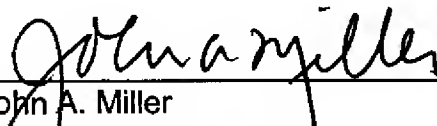
Because the Office Action of September 08, 2009 lacks the required signature from a Supervisory Patent Examiner, Applicant respectfully submits that reopening of prosecution is improper. Given the Examiner's indication that claims 6-9, 14 and 15 are patentable over the art cited in the final Office Action, it is believed that this application should be passed to issue.

Respectfully submitted,

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Date: 10/12/09

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